

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON  
U.S. MAGISTRATE JUDGE

DATE: 2-26-2013  
TIME: 3:37 p.m. (16 minutes)

*Alfaro v. County of Suffolk et al,*  
**CV 07-747 (ADS) (AKT)**

TYPE OF CONFERENCE: **ORDER TO SHOW CAUSE HEARING**

APPEARANCES: Plaintiff James C. Neville (with Kirk Alfaro, Plaintiff)  
Defendant Jason Bassett

FTR: 3:37-3:53

**SCHEDULING:**

The next conference will be held by telephone on April 16, 2013 at 11 a.m.. Plaintiff's counsel is requested to initiate the call to Chambers.

**THE FOLLOWING RULINGS WERE MADE:**

1. Today's Order To Show Cause Hearing was scheduled because of the inability of plaintiff's appointed counsel to communicate with the plaintiff. I directed plaintiff to appear himself today to address this issue. After some discussion with plaintiff Alfaro, I am satisfied that the prior difficulties will not be repeated going forward. Plaintiff Alfaro confirmed his current address and telephone number.
2. Unfortunately, the Court also learned today that plaintiff's litigation file, which had previously been turned over to the plaintiff by his former counsel at the Court's direction, was apparently destroyed in the aftermath of Hurricane Sandy. Newly appointed counsel for the plaintiff consequently does not have any of the records pertinent to the litigation. Defendants' counsel has graciously agreed to review his file folders with this case and to make copies of any non-privileged documents and materials which he will produce to plaintiff's counsel by March 29, 2013. The Court is aware, from meetings with plaintiff's original counsel and the plaintiff, that the destroyed file included the Internal Affairs Report, personnel/disciplinary records of the defendant police officers, medical records of the plaintiff, and the transcript of plaintiff's deposition, among other things.

Once newly appointed counsel James Neville receives the documents from defendants' counsel, he will review those records with plaintiff and will be prepared to discuss any outstanding issues with the Court at the April 16 conference. I am directing counsel for both sides to be prepared to tell me whether depositions were taken of any of the defendant police officers during discovery.

3. At the last conference attended by plaintiff when he was representing himself pro se in November of 2009, both sides confirmed that discovery in this case had been completed. We

need to revisit this issue at the April 16 conference and to set a final schedule for completion of the pre-trial phase of this case.

SO ORDERED

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge